

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 9

MANAGEMENT AND USE OF IRAQI PUBLIC PROPERTY

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Noting the needs of Coalition Forces and the CPA with respect to the use of public property in order to meet their obligations and facilitate administrative functions,

Affirming the CPA's obligation to responsibly manage Iraqi public property on behalf of the Iraqi people,

Furthering CPA Order No.4, Management of the Property and Assets of the Iraqi Ba`ath Party (CPA/ORD/25 May 2003/04),

I hereby promulgate the following:

Section 1 Register of Public Property

The CPA Facility Manager shall maintain a Register of Property and Assets documenting relevant information concerning all public property occupied, used, managed and assigned by the CPA, including all information that must be recorded in accordance with CPA/ORD/25 May 2003/04.

Section 2 Categories of Public Property

This Order applies to the occupancy, use, management and assignment of two categories of public property:

- a) **Category 1** -Property that is assigned to, occupied and used by the CPA, Coalition Forces, Iraqi Ministries, government offices of Coalition members, emerging Iraqi administrative or political organizations, and property that is necessary for the administration of social services to the people of Iraq; and
- b) **Category 2** -Property that is temporarily made available to private individuals or organizations, including commercial or other enterprises that provide services to, or at the request of, the CPA.

Section 3

Category 1 Properties

- 1) Applications to occupy and use Category 1 properties shall be forwarded to the CPA Facility Manager for approval. Applications shall be in writing, and shall state the requirement for and proposed use(s) of the property, and specifically describe the property sought, including its condition and exact location.
- 2) Properties will be allocated at the discretion of the Facility Manager, in accordance with priorities and policies set by the Administrator.
- 3) Where a property is allocated, the Facility Manager shall issue a Letter of Authority that identifies the approved occupant, and the terms, conditions and duration of occupancy and use.
- 4) The maximum duration of any occupancy and use approved under this Order will be one year from the date of approval, or until the termination of the CPA, whichever occurs first.
- 5) The CPA's approval of an application to occupy and use a Category 1 property shall not give rise to any obligation or liability on the part of the CPA, or any State participating in the CPA, to any applicant, other than to be left in quiet possession for the duration of the approved term, subject only to the CPA's obligation to maintain security.
- 6) The CPA's approval of an application to occupy and use a Category 1 property shall not give rise to any obligation on the part of the Iraqi Government in any way.

Section 4

Category 2 Properties

- 1) Applications for Category 2 Properties shall be forwarded to the CPA Facility Manager for initial approval. Applications shall be in writing, and shall state the requirement for and proposed use(s) of the property, and specifically describe the property sought, including its condition and exact location.
- 2) Properties will be allocated at the discretion of the CPA Facility Manager, in accordance with priorities and policies set by the Administrator.

- 3) Following approval by the CPA Facility Manager, the application will be forwarded to the CPA Office of General Counsel, which will prepare a license governing terms, conditions and duration of occupancy and use, and specify the required consideration for occupancy and use of the property.
- 4) The maximum duration of any license executed under this Order will be one year from the commencement date specified in the license, or until the termination of the CPA, whichever occurs first.
- 5) No license executed under this Order shall give rise to any obligation or liability on the part of the CPA or any State participating in the CPA to any licensee, other than to be left in quiet possession for the duration of the approved term, subject only to the CPA's obligation to maintain security.
- 6) No license executed under this Order shall give rise to any obligation on the part of the Iraqi Government in any way.

Section 5

Preservation of Current Arrangements

- 1) Coalition Forces, CPA offices, Coalition government offices, Iraqi Ministries and other Iraqi government entities already occupying public property shall follow the procedures set out in Section 3 herein for a Letter of Authority documenting their continuing occupancy and use of public property.
- 2) Any current occupations of Category 2 property shall follow the procedure set out in Section 4 herein for execution of a license governing continuing occupancy and use.

Section 6

Inspections

- 1) The CPA Facility Manager shall have the authority to enter properties covered under this Order, in order to inspect and inventory such properties and assets. The Facility Manager may remove furnishings, assets or other movable property from public buildings for storage, or transfer such property between or among public buildings, as he determines appropriate. No furnishings, assets or other movable property may be removed from or transferred between or among public buildings, without the written approval of the CPA Facilities Manager.

2) Interfering with the Facility Manager in the performance of his duties under this section, or removing furnishings, assets or other movable property from public buildings without the approval of the Facility Manager, shall constitute a violation of this Order, and may subject the violator to appropriate punishment.

Section 7

Assignment of Functions and Coordination

- 1) The CPA Facility Manager may assign duties to other elements of the CPA, and request the support of the Commander of Coalition Forces, as necessary to accomplish the public property management responsibility described in this Order.
- 2) In carrying out his responsibilities under this Order, the Facility Manager shall coordinate closely with the Iraqi Ministry of Housing and Construction, in order to facilitate the transfer of public property management responsibilities to the future government of Iraq.

Section 8

Entry into Force

This Order shall enter into force on the date of signature.



L. Paul Bremer, Administrator
Coalition Provisional Authority